

Executive Summary – Enforcement Matter – Case No. 41713

City of Lone Star

RN101920056

Docket No. 2011-0812-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

City of Lone Star WWTP, located approximately 1,500 feet east of United States Highway 259 on Morris County Road 2315 and approximately 4,000 feet south of the intersection of United States Highway 259 and Farm-to-Market Road 729, Morris County

Type of Operation:

Domestic wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 9, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$4,120

Amount Deferred for Expedited Settlement: \$824

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$3,296

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 41713
City of Lone Star
RN101920056
Docket No. 2011-0812-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: May 4, 2011
Date(s) of NOE(s): May 19, 2011

Violation Information

Failed to comply with permitted effluent limits for total suspended solids, pH, and ammonia nitrogen [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014365001, Effluent Limitation and Monitoring Requirements Nos. 1 and 3].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that by April 30, 2011, the Respondent cleaned the clarifier and began utilizing a chemical additive to reduce total suspended solids.

Technical Requirements:

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014365001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jeremy Escobar, Enforcement Division, Enforcement Team 3, MC R-14, (361) 825-3422; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: The Honorable C.E. Nichols, Mayor, City of Lone Star, P.O. Box 218, Lone Star, Texas 75668
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-May-2011	PCW	24-May-2011	Screening	24-May-2011	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	City of Lone Star		
Reg. Ent. Ref. No.	RN101920056		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	41713	No. of Violations	1
Docket No.	2011-0812-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jeremy Escobar
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	106.0%	Enhancement	Subtotals 2, 3, & 7	\$2,120
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Notes: Enhancement for 20 months of self-reported effluent violations and three NOV's with dissimilar violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$877
Approx. Cost of Compliance \$15,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,120
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$4,120
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,120
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DEFERRAL	20.0%	Reduction	Adjustment	-\$824
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,296
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Screening Date 24-May-2011
Respondent City of Lone Star
Case ID No. 41713
Reg. Ent. Reference No. RN101920056
Media [Statute] Water Quality
Enf. Coordinator Jeremy Escobar

Docket No. 2011-0812-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	20	100%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 106%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 20 months of self-reported effluent violations and three NOVs with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 106%

Screening Date 24-May-2011

Docket No. 2011-0812-MWD-E

PCW

Respondent City of Lone Star

Policy Revision 2 (September 2002)

Case ID No. 41713

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920056

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014365001, Effluent Limitation and Monitoring Requirements Nos. 1 and 3

Violation Description

Failed to comply with permitted effluent limits, as documented in a record review conducted on May 4, 2011, and depicted in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids and pH were also considered. As a result of these discharges, human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

123 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

X (mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$877

Violation Final Penalty Total \$4,120

This violation Final Assessed Penalty (adjusted for limits) \$4,120

Economic Benefit Worksheet

Respondent City of Lone Star
Case ID No. 41713
Req. Ent. Reference No. RN101920056
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$15,000	31-Oct-2010	1-Jan-2012	1.17	\$877	n/a	\$877

Notes for DELAYED costs

Estimated cost to clean the clarifier and utilize a chemical additive that reduces TSS. Date required is the first date of non-compliance. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$877

City of Lone Star
Docket No. 2011-0812-MWD-E; RN101920056
Case No. 41713; TPDES Permit No. WQ0014365001

EFFLUENT VIOLATION TABLE						
Months	TSS Daily Avg. Conc.	TSS Daily Avg. loading	TSS Single Grab Conc.	pH	NH3-N Daily Avg. Conc.	NH3-N Daily Avg. loading
	Limit = 15 mg/L	Limit = 55 lb/d	Limit = 60 mg/l	Minimum = 6 SU	Limit = 3 mg/L	Limit = 11 lb/d
October 2010	17.7	c	c	c	c	c
November 2010	20.2	c	c	c	c	c
December 2010	45.03	93.5	76.7	5.6	5.48	12.01
January 2011	29.5	167.7	c	c	c	c

SU = standard units

lb/d = pounds per day

c = compliant

TSS = total suspended solids

Max. = maximum

mg/L = milligrams per Liter

NH3-H = ammonia nitrogen

Conc. = concentration

Avg. = average

Compliance History

Customer/Respondent/Owner-Operator:	CN600670251	City of Lone Star	Classification: AVERAGE	Rating: 0.99
Regulated Entity:	RN101920056	CITY OF LONE STAR WWTP	Classification: AVERAGE	Site Rating: 0.99
ID Number(s):	WASTEWATER	EPA ID	TX0088081	
	WASTEWATER	PERMIT	WQ0014365001	
	WASTEWATER	EPA ID	TX0088081	
Location:	approximately 1,500 feet east of United States Highway 259 on Morris County Road 2315 and approximately 4,000 feet south of the intersection of United States Highway 259 and Farm-to-Market Road 729 in Morris County, Texas			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	June 13, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 24, 2006 to May 24, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Jeremy Escobar	Phone:	825-3422	

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |
| 6. Rating Date: 9/1/2010 Repeat Violator: | NO |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/04/2006	(489971)
2	08/24/2006	(526262)
3	01/31/2007	(538418)
4	08/08/2007	(571565)
5	07/24/2008	(615735)
6	01/28/2008	(624835)
7	01/28/2008	(675496)
8	01/28/2008	(675497)
9	01/28/2008	(675498)
10	01/28/2008	(675499)
11	03/19/2008	(675500)
12	01/28/2008	(675501)
13	01/28/2008	(675502)
14	01/28/2008	(675503)
15	01/28/2008	(675504)
16	01/28/2008	(675505)
17	01/28/2008	(675506)

18	01/28/2008	(675507)
19	01/28/2008	(675508)
20	01/28/2008	(675509)
21	01/28/2008	(675510)
22	01/28/2008	(675511)
23	01/28/2008	(675512)
24	01/28/2008	(675513)
25	01/28/2008	(675514)
26	01/28/2008	(675515)
27	01/28/2008	(675516)
28	01/28/2008	(675517)
29	01/28/2008	(675518)
30	01/28/2008	(675519)
31	02/20/2008	(693837)
32	12/04/2008	(730989)
33	12/04/2008	(730990)
34	12/04/2008	(730991)
35	12/04/2008	(730992)
36	12/04/2008	(730993)
37	12/05/2008	(730994)
38	12/05/2008	(730995)
39	12/17/2008	(730996)
40	02/26/2009	(736309)
41	02/16/2009	(754235)
42	01/20/2009	(754236)
43	03/20/2009	(771530)
44	04/20/2009	(771531)
45	05/20/2009	(771532)
46	01/11/2010	(787688)
47	02/18/2010	(814712)
48	06/15/2009	(814713)
49	07/17/2009	(814714)
50	08/13/2009	(814715)
51	09/17/2009	(814716)
52	10/16/2009	(814717)
53	11/20/2009	(814718)
54	12/16/2009	(814719)
55	01/20/2010	(814720)
56	06/14/2010	(826201)
57	03/18/2010	(834364)
58	04/21/2010	(834365)
59	05/19/2010	(834366)
60	06/17/2010	(847340)
61	09/21/2010	(868191)
62	07/02/2010	(868192)
63	09/20/2010	(875111)
64	10/18/2010	(882723)
65	11/17/2010	(889133)
66	02/24/2011	(910314)
67	05/20/2011	(915534)
68	03/21/2011	(917526)
69	04/20/2011	(928600)

70 12/22/2010 (928601)

71 01/20/2011 (928602)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	05/31/2006 (675505)	CN600670251		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	06/30/2006 (675507)	CN600670251		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	10/31/2006 (675514)	CN600670251		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	11/30/2006 (675516)	CN600670251		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/31/2006 (675518)	CN600670251		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	01/31/2007 (675496)	CN600670251		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	02/28/2007 (675498)	CN600670251		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	03/31/2007 (675502)	CN600670251		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	04/30/2007 (675504)	CN600670251		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	05/31/2007 (675506)	CN600670251		
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2007 (675508) CN600670251

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 08/10/2007 (571565) CN600670251

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 317 317.3(c)(1)
30 TAC Chapter 317 317.3(c)(2)
30 TAC Chapter 317 317.3(c)(3)
30 TAC Chapter 317 317.3(c)(4)
30 TAC Chapter 317 317.3(c)(5)
30 TAC Chapter 317 317.3(c)(6)
30 TAC Chapter 317 317.3(c)(7)

Description: Failure to maintain two operational lift station pumps.

Date 12/31/2007 (675519) CN600670251

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 02/28/2008 (675499) CN600670251

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 07/25/2008 (615735) CN600670251

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 317 317.6(b)(1)(D)
30 TAC Chapter 317 317.6(b)(1)(E)

Description: Failure to install proper ventilation in the chlorine cylinder containment room.
There was no forced mechanical ventilation and there was no exhaust system operated by external light switches (30 TAC 317.6.b.1.E).

Date 07/31/2008 (730993) CN600670251

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 01/19/2010 (787688) CN600670251

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Description: Failure to measure pH utilizing an approved method.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to have a functioning rubber gasket on both clarifier rakes. During the investigation, Lift Stations 3, 4, and 5 were observed to not have 2 functioning pumps each. According to the TPDES permit number WQ0014365001, the permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 317 317.3(e)(4)(D)
Description: Failure to have a functional high level alarm at Lift Station 5. During the investigation, Lift Station 5 was observed to not a functional high level alarm. According to the TPDES permit number WQ0014365001, the permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 317 317.3(c) 30 TAC Chapter 317 317.3(c)(1) 30 TAC Chapter 317 317.3(c)(2) 30 TAC Chapter 317 317.3(c)(3) 30 TAC Chapter 317 317.3(c)(4) 30 TAC Chapter 317 317.3(c)(5) 30 TAC Chapter 317 317.3(c)(6) 30 TAC Chapter 317 317.3(c)(7)		
Description:	Failure to have functional pumps at Lift Stations 3, 4, and 5. During the investigation, Lift Stations 3, 4, and 5 were observed to not have 2 functioning pumps each. According to the TPDES permit number WQ0014365001, the permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.		

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 317 317.3(a) 30 TAC Chapter 317 317.3(e)(4)(C)		
Description:	Failure to secure Lift Station 5 in an intruder resistant manner. During the investigation, Lift Station 5 was observed to not have an intruder resistant fence or locks on the lids. According to the TPDES permit number WQ0014365001, the permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.		

Date	10/31/2010	(889133)	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date	11/30/2010	(928601)	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date	12/31/2010	(928602)	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date	01/31/2011	(910314)	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date	02/28/2011	(917526)	CN600670251
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date	03/31/2011	(928600)	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF LONE STAR
RN101920056**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-0812-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Lone Star ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a domestic wastewater treatment plant approximately 1,500 feet east of United States Highway 259 on Morris County Road 2315 and approximately 4,000 feet south of the intersection of United States Highway 259 and Farm-to-Market Road 729 in Morris County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 24, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand One Hundred Twenty Dollars (\$4,120) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Three Thousand Two Hundred Ninety-Six Dollars (\$3,296) of the administrative penalty and Eight Hundred Twenty-Four Dollars (\$824) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by April 30, 2011, the Respondent cleaned the clarifier and began utilizing a chemical additive to reduce total suspended solids.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014365001, Effluent Limitation and Monitoring Requirements Nos. 1 and 3, as documented in a record review conducted on May 4, 2011, and shown in the table below:

EFFLUENT VIOLATION TABLE						
Months	TSS Daily Avg. Conc.	TSS Daily Avg. Loading	TSS Single Grab Conc.	pH	NH ₃ -N Daily Avg. Conc.	NH ₃ -N Daily Avg. Loading
	Limit = 15 mg/L	Limit = 55 lb/d	Limit = 60 mg/l	Minimum = 6 SU	Limit = 3 mg/L	Limit = 11 lb/d
October 2010	17.7	c	c	c	c	c
November 2010	20.2	c	c	c	c	c
December 2010	45.03	93.5	76.7	5.6	5.48	12.01
January 2011	29.5	167.7	c	c	c	c

SU = standard units
lb/d = pounds per day
c = compliant
TSS = total suspended solids
Max. = maximum

mg/L = milligrams per Liter
NH₃-H = ammonia nitrogen
Conc. = concentration
Avg. = average

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Lone Star, Docket No. 2011-0812-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014365001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

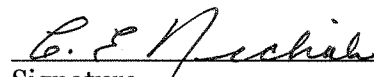
9/12/11
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

8-2-11
Date

C. E. Nichols
Name (Printed or typed)
Authorized Representative of
City of Lone Star

Mayor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.